

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

State of North Dakota, et. al.,)
Plaintiffs,) **ORDER**
vs.)
Regina McCarthy, in her in her official)
capacity as Administrator of the United)
States Environmental Protection Agency,)
Defendant.)
Case No. 1:13-cv-109

This case concerns claims by the Plaintiffs that the EPA failed to perform a nondiscretionary action under the federal Clean Air Act, 42 U.S.C. § 7401 et. seq. Specifically, the Plaintiffs allege the EPA has failed to designate areas of the country as attaining, not attaining, or unclassifiable under the revised National Ambient Air Quality Standard for sulfur dioxide as required by Section § 7407(d)(1)(B) of the Clean Air Act.

Actions have been filed against the EPA in three different federal district courts seeking to compel the EPA to perform the nondiscretionary duty at issue. The Sierra Club and Natural Resources Defense Council, Inc. filed the first complaint in the Northern District of California on August 26, 2013. Sierra Club et al. v. McCarthy, N.D. Cal. Case No. 13-cv-3953-SI. The Plaintiffs in this action filed their complaint on September 12, 2013. The State of North Carolina filed a complaint in the Eastern District of North Carolina on October 9, 2013. State of North Carolina v. McCarthy, E.D.N.C. Case No. 5:13-cv-710-F.

The North Carolina case was stayed pending the outcome of the California case. The above-entitled action was likewise stayed; on May 13, 2014, this Court granted defendant's motion to hold

this matter in abeyance, stayed this matter pending further order, and directed the parties to file a joint status report within 120 days. (Doc. No. 20).

On September 10, 2014, the parties filed a Joint Status Report. More than four years have since passed. Accordingly, the parties are directed file another joint status report within 120 days updating this Court on the posture of the California case.

IT IS SO ORDERED.

Dated this 19th day of April, 2019.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court